

REMARKS

Claims 5 through 14, and 16 through 25 are pending in this Application. Claim 15 has been canceled without prejudice or disclaimer. Claims 5, 7 through 9, 11 through 14, 18, and 20 through 24 have been amended, and new claim 25 has been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, p. 6, second paragraph; p. 8, second and third paragraphs; and p. 10, first paragraph of the originally filed disclosure. Applicant submits that the present Amendment does not generate any new matter issue.

Telephonic Interview of June 12, 2010.

Applicant expresses appreciation for the Examiner's courtesy in granting and conducting a telephonic interview on June 12, 2010. During the interview, the Examiner indicated that the present claim amendments would require a new search. It is with that understanding that the present Amendment is submitted.

Claim objections.

The Examiner objected to claims 13, 14, 20, 21, 23, and 24 as depending from a rejected base claim, but indicated that they would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant will consider an appropriate amendment pending the outcome of further prosecution.

Claims 5, 7 through 12, 15 through 19, and 22 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Buhrmann et al.* (US 5950125, “*Buhrmann*”) in view of *Lee et al.* (US 5974328, “*Lee*”).

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Buhrmann*'s location-dependent cellular service profile system by including *Lee*'s mobile device that identifies its location by comparing a basic Trading Area (i.e., the alleged location) with stored information, to associate with pre-stored preferred systems supporting the current location. Applicant respectfully traverses this rejection.

There are fundamental differences between the claimed inventions and the applied references that undermine the obviousness conclusion under 35 U.S.C. §103(a). Specifically, independent claims 5, 7, and 22 recite, *inter alia*: “generating at a mobile station a message when the mobile station is roaming in cells of a cellular radio network, the message indicating that the mobile station has detected that it is in a localized service area defined independently from cells **using a computed geographic location of the mobile station, the geographic location being computed independent from a global positioning system (GPS) receiver**, the message being generated by the mobile station without action by a user of the mobile station.” These features are neither disclosed nor suggested by *Buhrmann* and *Lee*, as acknowledged by the Examiner during the telephonic interview.

In particular, *Lee* merely determines whether the mobile station is within a **basic Trading Area**, but not to compute any geographic location or coordinates. In the US, there are 51 Major Trading Area, such as Washington—Baltimore, San Francisco—Oakland—San Jose, etc., and 493 basic Trading Areas each is a geographic region used by the FCC to define where one or more Personal Communications Services (PCS) can operate. A mobile station in *Lee* scans for

frequency bands for System IDs, and/or Group IDs, and/or Network IDs (col. 1, lines 49 through 62; col. 3, lines 6 through 20; col. 4, lines 22 through 26), to find out which basic Trading Area (i.e., the alleged location) it is located in, and then maps out one or more preferred systems in the basic Trading area that the user subscribes to. *Lee* does not involve “a **computed geographic location or geographic coordinates** of the mobile station.”

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claims 5, 7 through 12, 15 through 19, and 22 under 35 U.S.C. §103(a) for obviousness based on *Buhrmann* in view of *Lee* is not factually or legally viable and, hence, solicits withdrawal thereof.

Claim 6 was rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Buhrmann* in view of *Lee* and *Alperovich et al.* (US 5819180, “*Alperovich*”).

This rejection is respectfully traversed.

Specifically, claim 6 depends from independent claim 5. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of independent claim 5 under 35 U.S.C. §103(a) for obviousness predicated upon *Buhrmann* in view of *Lee*. The additional reference to *Alperovich* does not cure the previously argued deficiencies in the attempted combination of *Buhrmann* and *Lee*. Accordingly, even if the applied references were combined as proposed by the Examiner, and again Applicant does not agree that the requisite fact-based motivation has been established, the claimed inventions would not result. See *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*. Applicant therefore submits that the above-

identified rejection encompassing claim 6 under 35 U.S.C. 103(a) are not factually or legally viable and, hence, solicits withdrawal thereof.

New Claim 25.

New claim 25 depends from independent claim 7. Applicant submits that claim 25 is free of the applied prior art for reasons advocated *supra* with respect to independent claim 7. Accordingly, claim 25 is free of the applied prior art.

Therefore, the present application, as amended, overcomes the objection and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 822-7186 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

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